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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,582	03/31/2004	R. David Arnold	07844-636001 / P589	8418
21876	7590	10/03/2006	EXAMINER CHOW, JEFFREY J	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2628	
			PAPER NUMBER	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/816,582

Applicant(s)

ARNOLD ET AL.

Examiner

Jeffrey J. Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

#### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

##### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

##### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

##### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Figures 1, 2, 3A, and 3B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 809.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the Type1 font and TrueType font must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

#### **Content of Specification**

- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

The summary of the disclosure is objected to because the summary is essentially a rewording of the claims as a whole and does not benefit the reader in briefly understanding the invention in a brief time period where the reader would have to go to the detailed description to finally understand the invention in a longer time period. The summary should be brief and consist of general statements of the inventions.

The disclosure is objected to because of the following informalities: Reference characters 918 (page 16, line 29), 1000 (page 17, line 3), 803 (page 19, line 24), 842 (page 21, line 23), 853 (page 23, line 32), 855 (page 23, line 32), and 587 (page 23, line 32) are not shown in the drawings. Rows 1 – 5 (page 23, line 32) are not shown in the drawings. Figure 3 (page 2, line 31), 8A (page 11, line 20), are 8B (page 11, line 20) not in the drawings. Figure 3A, 8A-1, 8A-2, 8B-1, and 8B-2 are not mentioned in the specifications.

The disclosure is objected to because of the following informalities: “the font has as a standard stem width” (page 11, line 20) is grammatically incorrect.

The disclosure is objected to because of the following informalities: Reference character 804 is not a row (page 11, line 24).

Appropriate correction is required.

### ***Claim Objections***

Claims 9, 19, and 29 are objected to having trademark, “TrueType” in the claims.

Claims 8, 18, and 28 are objected to having possible trademark, “Type 1 font” in the claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims that consist solely of data manipulation do not fall under statutory matter because no tangible result is produced. An invention must be a “useful process, machine, manufactured, or composition of matter, or any new and useful improvement thereof”. An invention must produce a concrete, useful, and tangible result. Displaying the result on a display device produces a tangible result.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 12, 23, 24, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold (US 5,929,866).

Regarding independent claim 11, Arnold discloses creating a density map for the character to be rendered (column 4, lines 10 – 37), which reads on the claimed receiving a plurality of glyphs to be rendered. Arnold discloses a scaled stem width and where the scaled stem width is used in an equation to adjust the density values of the character (column 6, lines 29 – 64), which reads on the claimed for each glyph, before rasterizing a representation of the glyph, using a scaled stem width of the glyph to select a rendering policy for rendering the glyph.

Regarding dependent claim 12, Arnold discloses each device pixel corresponds to one density element (column 5, lines 14 and 15), which reads on the claimed rendered glyph is represented by a plurality of device pixels. Arnold discloses a scaled stem width and where the scaled stem width is used in an equation to adjust the density values of the character (column 6, lines 29 – 64), which reads on the claimed selected rendering policy includes an initial adjustment value for adjusting density values of one or more of the plurality of device pixels.

Regarding claims 23, 24, 35, and 36, claims 23, 24, 35, and 36 are similar in scope as to claims 11 and 12, thus the rejections for claims 11 and 12 hereinabove is applicable to claims 23, 24, 35, and 36.

***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/816,587.

Although the conflicting claims are not identical, they are not patentably distinct from each other because:

10/816,582 (Claim 1)	10/816,587 (Claim1)
Receiving a glyph associated with a font, the glyph to be rendered at a size	Receiving a glyph associated with a font, the glyph to be rendered at a size and having one or more strokes
Calculating a set of initial density values to provide one density value for each of a set of device pixels to represent the glyph	Rendering a high resolution representation of the glyph so that one or more edges of at least one stroke is offset from a device resolution grid by the offset amount, the high resolution representation representing a set of device pixels each having an initial density value
Calculating an initial adjustment value for the glyph	Calculating an initial adjustment value for the glyph



For one or more of the device pixels in the set of device pixels, calculating a length of an edge of the glyph that passes through the device pixel	For one or more of the device pixels, calculating a length of an edge of the glyph that passes through the device pixel
For one or more of the device pixels, adjusting the initial density value of the device pixel by a final adjustment value, the final adjustment value based upon the initial adjustment value of the length of the edge of the glyph passing through the device pixel	Adjusting the density value of the one or more device pixel by a final adjustment value, the final adjustment value based upon the initial adjustment value of the length of the edge of the stroke passing through the device pixel
	Determining an offset amount based on the initial adjustment value such that a minimum number of device pixels will be marked by the one or more horizontal or vertical strokes after adjusting a density values of one or more device pixels representing the glyph

If claim 1 of 10/816,587 omits high resolution grid and offset, the claim language would be similar to claim 1 of 10/816,582. In re Karlson (CCPA) 136 USPQ 184 (1963) states that when an applicant's claims are broader in all respects (usually by omission of an element and accompany function, or by extension, a step in a method claim) than the reference, then it would have been obvious to perform the method of claim 1 of 10/816,582 by omitting high resolution grid and offset of claim 1 of 10/816,587. Essentially, claim 1 of 10/816,582 is broader than claim 1 of 10/816,587.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application

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which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968).

See also MPEP § 804.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)-272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJC

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER